

**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In the Matter of:

MARCUS J. JANITCH

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**AHC Case No. 09-0903 D1
DIFP Case No. 090504518C**

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE**

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director") whose duties include, pursuant to Chapter 374, RSMo, the supervision, regulation and discipline of bail bond agents.
2. The Missouri Department of Insurance, Financial Institutions and Professional Registration ("the Department") issued a bail bond agent license to Marcus J. Janitch on August 27, 2003 (License No. 0315101). The license was renewed and remained active until August 27, 2009,

at which time the license was not renewed and expired.

3. On January 5, 2009, Special Investigator Les Hogue mailed a letter to Janitch, seeking an explanation regarding allegations against him for theft/stealing. When the letter was returned by the postal service, Special Investigator Hogue called Janitch, who provided his new address. Mr. Hogue re-mailed the letter to Janitch's new address. The letter was not returned nor did Janitch respond. Janitch did not respond to two follow-up letters sent by Mr. Hogue which were also not returned. Failure to respond to inquiries by the Department within 20 days without a reasonable justification is a violation of 20 CSR 100-4.100(2)(A).

4. Special Investigator Hogue also subpoenaed Janitch to appear at the Department in April, 2009. Janitch failed to appear as ordered by the subpoena.

5. On June 26, 2009, the Director filed a complaint against Janitch with the Administrative Hearing Commission ("Commission") seeking to discipline Janitch's bail bond agent license pursuant to §§ 374.755.1(6) and 374.210.2 RSMo (Supp. 2009).¹

6. On January 25, 2010, the Commission served Janitch with a copy of the complaint, however, Janitch did not file an answer.

7. On April 7, 2010, the Commission held a hearing on the complaint. Neither Janitch nor anyone representing him appeared. Enforcement Counsel Elfin Noce represented the Director.

8. On April 20, 2010, the Director filed a brief before the Commission. Janitch did not file a brief or otherwise respond.

9. On August 16, 2010, the Commission issued its Decision finding that cause exists to discipline Janitch's bail bond agent license under § 374.210.2 (failure to appear before the

¹ All references are to RSMo (Supp. 2009) unless otherwise indicated.

Department) and § 374.755.1(6) (violation of the Department's regulation requiring response to inquiries within twenty (20) days, 20 CSR 100-4.100(2)(A)).

10. On September 17, 2010, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

11. The Director mailed to Janitch, by certified mail, a notice of the disciplinary hearing to be held at 1:30 p.m. on November 9, 2010, in the offices of the Director, 301 West High Street, Room 530, Jefferson City, Missouri. After Janitch did not claim the certified mail, the Director served Janitch with the disciplinary hearing notice by priority mail, which the United States Postal Service delivered on October 14, 2010.

12. Janitch did not appear at the disciplinary hearing personally or through counsel. At the hearing, counsel for the Department presented the Decision and certified record of the Commission in Case No. 09-0903 DI and recommended that the Director revoke Janitch's bail bond agent license.

13. The Director hereby adopts and incorporates the Administrative Hearing Commission's Decision dated September 17, 2010, referenced herein, and does hereby find in accordance with the same. *Director of Dep't of Ins., Fin. Inst. & Prof. Reg'n v. Marcus J. Janitch*, No. 09-0903 DI (Mo. Admin. Hrg. Comm'n Aug. 16, 2010).

Conclusions of Law

14. Pursuant to §§ 374.755 and 621.110, the Director has the discretion to discipline Janitch's bail bond agent license including revocation of such license, even where such license has expired.

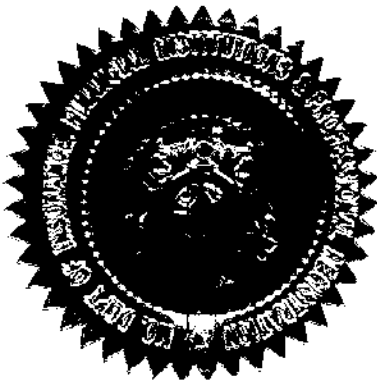
15. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist to revoke Janitch's bail bond agent license pursuant to §§ 374.755.1(6) and 374.210.2.

16. This order is in the public interest.

ORDER

Based on the evidence presented and the recommendation of the Department to revoke, the bail bond agent license of Marcus J. Janitch (License No. 0315101) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 19TH DAY OF NOVEMBER, 2010.




JOHN M. HUFF, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, via certified mail through the United States Postal Service, certified mail # 7009 5410 0001 9349 6271 on this 22nd day of November, 2010 to:

Marcus J. Janitch
1731 South 5th Street
Apartment 1 South
St. Charles, MO 63303

Kimberly Sanders